

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 20919WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00515	International filing date (day/month/year) 14.07.2003	Priority date (day/month/year) 25.07.2002
International Patent Classification (IPC) or both national classification and IPC C08F283/02		
Applicant DSM IP ASSETS B.V. et al.		

1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 17.02.2004	Date of completion of this report 03.12.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu.d Fax: +49 89 2399 - 4465	Authorized Officer: Thomas D Telephone No. +49 89 2399-7837 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**International application No. **PCT/NL 03/00515****I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-12 as originally filed

Claims, Numbers

2-11, 14 as originally filed

1 received on 06.11.2004 with letter of 02.11.2004

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**International application No. **PCT/NL 03/00515****IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☒ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
☒ the parts relating to claims Nos. 1-11,14 .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Yes: Claims	1-11,14
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11,14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11,14
	No: Claims	

2. Citations and explanations

see separate sheet

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00515

Re Item V**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following document:

D1: Macromolecules, vol.35, pages 2873-75 :
"Enzymatic Ring Opening Polymerization and Atom Transfer Radical
Polymerization from a Bifunctional Initiator"

The document D1 is regarded as being the closest prior art to the subject-matter of claim and describes (the references in parentheses applying to this document): the process for the preparation of a multi block copolymer, the process being carried out in the presence of a bifunctional initiator, comprising a lipase catalysed ring opening polymerization (ROP) and a free radical polymerization reaction (ATRP) (page 2873, column 1, lines 9-14). As stated in D1, "to synthesize block copolymers the enzymatically polymerized PCL was precipitated and subsequently used to macro initiate styrene. (page 2873 column 2, line 55 - page 2874, column 1, line 1). The subject-matter of claim 1 differs from D1 in that the ATRP reaction of D1 uses CuBr as catalyst, whereas in the method of claim 1 the use of a metal catalyst is avoided.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as finding a non enzymatically controlled polymerization reaction that does not inhibit the enzymatically catalysed polymerization reaction (page 2, lines 3-9).

None of the prior art documents disclose or suggest the use of a metal free polymerization reaction for the process according to claim 1.

The solution to this problem proposed in claim 1 of the present application is therefore considered as involving an inventive step (Article 33(3) PCT).

NEW CLAIM 1

1. Process for the preparation of a block copolymer, the process being carried out in the presence of a multifunctional initiator and comprising at least one enzymatically catalyzed homo- or copolymerization reaction and at least one non-enzymatically catalyzed controlled homo- or copolymerization reaction, characterized in that the use of a metal catalyst is avoided, and in that the non-enzymatically catalyzed controlled homo- or copolymerization reaction is chosen from the group comprising a free radical polymerization reaction, an ionic polymerization reaction, a polycondensation reaction, and a ring opening polymerization (ROP) reaction.

AMENDED SHEET

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